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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PATRICK GRIFFIN, successor in
interest to SEAN GRIFFIN, pka
“NEKST”, a deceased individual;
ROBIN RONN, pka “BATES”, an
individual,

Plaintiffs,

v.

GUESS ?, INC., a Delaware
corporation; MACY’S, INC., a
Delaware corporation, and DOES 1-10,
inclusive;

Defendants.

Case No. _____

COMPLAINT FOR:

**I. Unfair Competition under Section
43(a) of The Lanham Act, False
Endorsement (15 U.S.C. § 1125(a));
II. Unfair Competition under
California Business and Professions
Code §§ 17200, et seq.;
III. Unfair Competition under
California Common Law;
IV. Relief for Violation of California
Civil Code § 3344;
V. Misappropriation of Likeness
under California Common Law;
VI. Copyright Infringement; and
VII. Violation of 17 U.S.C. § 1202**

JURY TRIAL DEMANDED

1 Plaintiffs Patrick Griffin, successor in interest to Sean Griffin, professionally
 2 known as (and referred to here as) “NEKST;” and Robin Ronn, professionally
 3 known as (and referred to here as) “BATES” (collectively, the “Artists”) hereby
 4 complain against Defendants GUESS? INC., MACY’S, INC., and DOES 1-10,
 5 inclusive, (collectively referred to herein as “GUESS” or “Defendants”), as follows.

6 SUMMARY OF THE CASE

7 1. NEKST and BATES are well-known graffiti artists. As such, their
 8 “tags” – artwork reflecting among other things their elaborately expressed signatures
 9 or names – are their primary calling cards and source identifiers of their artwork and
 10 themselves. NEKST in particular is universally recognized as a pioneer of street art;
 11 and any fan would instantly recognize his tag.¹ BATES is not far behind.
 12 Representative examples of Artists’ tags in their well-known signature styles are
 13 shown below:

14 **BATES**



22 **NEKST**



24 ¹ Street art is no longer a small or alternative segment of the art world. It is legitimate art, certainly
 25 deserving of the customary copyright protection afforded to the visual arts. Indeed, it is fair to say that
 26 more people are enthusiasts of street art today than of any other genre, including French Impressionism and
 27 abstract expressionism. This is not to say that street art is only for the masses. Many museum shows have
 28 been devoted to the subject, including the Los Angeles Museum of Contemporary Art’s groundbreaking *Art in the Streets* exhibition in 2011, which has been estimated to be the best attended exhibit in the museum’s history. *Art in the Streets*, available at https://en.wikipedia.org/wiki/Art_in_the_Streets. The most famous street artist is Banksy, whose works can sell for millions of dollars, and are often extracted from random walls on which they appear.

2. Defendant GUESS has inexplicably, and without notice, let alone consent, prominently splashed Artists' work across their apparel in a transparent effort to lend credibility and an air of urban cool to their apparel by coopting the Plaintiffs' special combination of graffiti style and street art bona fides. In doing so, GUESS seeks to convey that Artists are affiliated with and endorse both GUESS and its apparel. Examples of the infringing products (implementing verbatim and mechanical copies of the Artists' work) are below:



3. GUESS's suggestion of an association with Artists (and their recognized independent artistic integrity) is of course false and misleading. Besides defrauding its customers and thereby generating huge revenues based on the purported affiliation with the Artists, GUESS's false claims of endorsement and affiliation harms Plaintiffs' reputations by causing the world to think that they (or their estate in the case of NEKST, who is deceased) are corporate sellouts, willing to trade their artistic independence, legacy, and credibility for a quick buck, which could not be further from the truth. NEKST in particular represents a sacrosanct figure that GUESS freely defiles. During his life, NEKST worked tirelessly to keep his work authentic and artistically unassailable—and he would be turning over in his grave if he could see what is currently on offer from GUESS.

1 Los Angeles, New York, Paris, Stockholm, Malmo, Chicago and Berlin.

2 11. Defendant GUESS is a corporation formed in Delaware with its
3 corporate headquarters located at 1444 South Alameda Street in Los Angeles,
4 California 90021.

5 12. Defendant Macy's, Inc. ("Macy's") is corporation formed in Delaware
6 with its corporate headquarters located at 151 West 34th Street in New York, NY
7 10001. Macy's has marketed and sold the infringing goods produced by GUESS,
8 which are the subject of this litigation.

9 13. Plaintiffs are ignorant of the true names and capacities of the
10 Defendants sued herein as Does 1-10, inclusive, and therefore sue said Defendants
11 by such fictitious names. Plaintiffs will amend this Complaint to allege the true
12 names and capacities when the same has been ascertained. Plaintiffs are informed
13 and believe, and thereon allege, that each fictitiously-named Defendant is
14 responsible in some manner for the occurrences herein alleged, and that Plaintiffs'
15 damages as herein alleged were proximately caused by their conduct. Each of the
16 Defendants acted as an agent for each of the other Defendants in doing the acts
17 alleged, and each Defendant ratified and otherwise adopted the acts and statements
18 performed, made or carried out by the other Defendants so as to make them directly
19 and vicariously liable to the Plaintiffs for the conduct complained of herein.

20 GENERAL ALLEGATIONS

21 14. Artwork reflecting "tags" is a corner stone of street art culture²—which
22 is now trumpeted not just in popular culture but in scholarly books and major
23 museum exhibitions. Street art and graffiti always reference and harken back to their
24 cultural origins, in which youths from marginalized groups spray-painted their
25 (coded) identities on subway cars or abandoned buildings, as a way of expressing to

26
27 ² One can observe the importance of tags in the ascendance of graffiti and street art culture as far back as
28 the early 1980s, as depicted by the street art history film of great repute, *Wild Style*. See, e.g.,
<https://www.vulture.com/2020/09/the-timeless-honesty-of-wild-style-the-first-hip-hop-movie.html>

1 the world that they exist and matter. Indeed, in street art, calling out one's name is
2 often central to the work, as a way for individual members of marginalized groups
3 to claim agency and identity. Within the traditions and conventions of contemporary
4 art, consumers are accustomed to recognizing street art incorporating signatures, or
5 tags, as indicators of source.

6 15. Against this backdrop, Defendants' craven use of Plaintiffs' tags to sell
7 their mass-market apparel suggest complete indifference and considerable disrespect
8 to the Artists' reputations and credibility, and further, to the entire culture and
9 history of street art. The Artists are demeaned and their reputations diminished by a
10 false association with an entity implementing such deplorable disregard for legends
11 of street art like Banksy. In a culture where association with philistines is a death
12 knell, historical street artists like Plaintiffs hold their artistic integrity dear enough to
13 die for it. GUESS knowingly violated this sacrosanct space to sell some t-shirts at
14 the expense of the Artists' legacy.

15 16. Defendants knew, or should have known, that seeking a license from
16 the Artists to use their name and copyrighted artwork was a condition precedent to
17 trying to make money using their names and copyrighted artwork. Defendants
18 instead chose to *surreptitiously* move forward with commercializing their personas
19 and signatures without permission, or any attempts to license the Artists' intellectual
20 property at all, hoping that the Artists would not become aware of Defendants'
21 misconduct.

22 17. Due to Defendants' misconduct as alleged herein, Plaintiffs'
23 reputations, and thus the financial value of their work, and active career in the case
24 of BATES, have been irreparably harmed, diminished, and tarnished—reducing the
25 value of their work and personal brands, and causing decreased revenue in the future
26 from other potential uses of their personas.

27 18. Defendants continue to sell and advertise the subject apparel despite the
28 Artists' demands to cease and desist.

1 19. Macy's too benefitted from the misappropriation and infringement in
2 numerous ways, including but not limited to the following: (1) they enjoyed the
3 increased sales generated by the use; (2) the association with the Artists increased
4 the value, goodwill, image, and positioning of the Macy's brand; and (3) the Artists'
5 name and artwork market Macy's to a hard-to-reach demographic of street art
6 connoisseurs that the brand's relatively bland image would not otherwise reach.

7 20. GUESS benefitted from the misappropriation and infringement in
8 numerous ways, including but not limited to the following: (1) they enjoyed the
9 increased sales generated by the use; (2) the association with the Artists increased
10 the value, goodwill, image, and positioning of the GUESS brand; and (3) the Artists'
11 name and artwork market GUESS to a hard-to-reach demographic of street art
12 connoisseurs that the brand's relatively bland image would not otherwise reach.

13 21. Plaintiffs have sustained significant injury and monetary damages due
14 to Defendants' wrongful acts as alleged in this Complaint. Plaintiffs are at present
15 unable to ascertain the full extent of the monetary damages they have suffered by
16 reason of said acts. To determine the full extent of such damages, including such
17 profits of Defendants as may be recoverable, Plaintiffs will require an accounting
18 from each Defendant of all monies generated from their wrongful conduct.

19 22. Plaintiffs are informed and believe, and thereon allege, that
20 Defendants' alleged conduct was, and continues to be, intentional, deliberate,
21 willful, wanton, committed with the intention of injuring Plaintiffs, and depriving
22 Plaintiffs of their legal rights; was, and is, despicable conduct that subjects Plaintiffs
23 to a cruel and unjust hardship; and was, and continues to be, undertaken with
24 oppression, fraud and malice. Accordingly, Plaintiffs are entitled to an award of
25 punitive or exemplary damages.

26 23. Defendants' actions have caused, and will continue to cause, damage
27 and irreparable harm to Plaintiff (as described above) and are likely to continue
28 unabated, thereby causing further damage and irreparable harm to Plaintiffs, unless

1 preliminarily and permanently enjoined and restrained by the Court.

2 **First Claim for Relief for Unfair Competition under Section 43(a) of**
3 **The Lanham Act, False Endorsement (15 U.S.C. § 1125(a))**
4 **(By BATES and NEKST, against all Defendants)**

5 24. Plaintiffs incorporate by this reference all paragraphs of this Complaint
6 as if set forth in full in this cause of action.

7 25. The Artists' signatures and names have secondary meaning, as that
8 term is understood in trademark law. As described above, Defendants have falsely
9 used artwork reflecting the Artists' names and signatures on apparel, creating the
10 false impression that the Artists endorse GUESS and Macy's. Members of the
11 public have come to recognize the Artists' signatures and names as suggestive of the
12 Artists' involvement or endorsement when they are used in commerce. Defendants
13 made a calculated and underhanded effort to promote their products and attract
14 customers using the goodwill and recognition that many have come to associate with
15 the Artists' names and the Artists' signatures, thereby generating revenue for
16 Defendants.

17 26. The goodwill and reputation associated with the Artists' names and
18 signatures are significant throughout the general public. The Artists' names and
19 signatures are known throughout the United States, the State of California, and the
20 world, as a source of origin for their artwork, services and endorsements.

21 27. Defendants' use of the Artists' names and signatures is designed to
22 create and does create the false and deceptive commercial impression that
23 Defendants and their products are associated with and/or endorsed by the Artists.
24 The use by Defendants of the Artists' names, artwork, and signatures is likely to
25 cause confusion, mistake, or deception of purchasers as to the Artists' endorsement
26 of the goods.

27 28. Customers and potential purchasers are likely to be attracted to
28 Defendants' goods as a result of the misconduct described herein. Such goods enjoy

1 an elevated standing as a result of a false association with the Artists.

2 29. By Defendants' conduct alleged here, Defendants have wrongfully
3 appropriated for itself business and goodwill value that properly belongs to the
4 Artists and that the Artists have invested time, money, and energy in developing.

5 30. By reason of Defendants' acts of unfair competition as alleged herein,
6 the Artists have suffered and will continue to suffer substantial damages to their
7 businesses in the form of diversion of trade, loss of profits, and a dilution in the
8 value of her rights and reputation, all in amounts which are not yet ascertainable but
9 which are estimated to be not less than the jurisdictional minimum of this court.

10 31. By virtue of Defendants' acts hereinabove described, Defendants have
11 committed, and are continuing to commit, unlawful, unfair, and fraudulent business
12 acts in violation of, *inter alia*, 15 U.S.C. § 1125(a).

13 32. Defendants' acts of unfair competition in violation of 15 U.S.C. §
14 1125(a) have caused, and will continue to cause, damage and irreparable harm to the
15 Artists (as described above) and are likely to continue unabated, thereby causing
16 further damage and irreparable harm to the Artists, and to the goodwill associated
17 with the Artists' valuable and well-known names and signatures; and the Artists'
18 business relationships, unless preliminarily and permanently enjoined and restrained
19 by the Court.

20 33. The Artists have no adequate remedy at law and will suffer irreparable
21 injury if Defendants are allowed to continue to engage in the wrongful conduct
22 herein described.

23 34. In committing these acts of unfair competition, Defendants acted
24 willfully, wantonly, and recklessly; and with conscious disregard for the Artists'
25 rights. The Artists are therefore entitled to punitive damages in addition to actual
26 and statutory damages as allowed by law.

27 **Second Claim for Relief for Unfair Competition under**
28 **California Business and Professions Code §§ 17200, *et seq.***

(By BATES and NEKST, against all Defendants)

35. Plaintiffs incorporate by this reference all paragraphs of this Complaint as if set forth in full in this cause of action.

36. Defendants, by means of the conduct described above, have engaged in, and are engaging in, unlawful, unfair, fraudulent and deceptive business practices under California Business and Professions Code §§ 17200 through 17203. These acts and practices undertaken by Defendants violate California Business & Professions Code § 17200 in that they are—as described above—unfair, fraudulent, and/or unlawful. Specifically, without limiting the generality of the foregoing, such acts and practices constitute violations of the Lanham Act, and are and were fraudulent in that: (a) Defendants seek to deceive consumers regarding Defendants' association with Plaintiffs, and (b) the general public and trade is likely to be confused regarding the business relationship between the Artists and Defendants. Further, without limiting the generality of the foregoing, the harm to the Artists and to members of the general public far outweighs the utility of Defendants' practices and, consequently, Defendants' practices constitute an unfair business act or practice within the meaning of Business and Professions Code § 17200.

37. The Artists have sustained, and will continue to sustain, serious and irreparable injury to their businesses and reputation, as a direct and proximate result of Defendants' conduct (as described above). Unless Defendants are enjoined by this Court, there is a substantial possibility that they will continue to engage in such unlawful, unfair, and deceptive business practices, for which the Artists are without an adequate remedy at law. Accordingly, the Artists are entitled to a preliminary injunction and permanent injunction against Defendants and their officers, directors, employees, agents, representatives, affiliates, subsidiaries, distributors, and all persons acting in concert with them, prohibiting them from engaging in further unlawful, unfair and/or fraudulent business practices.

38. As a direct result of Defendants' unlawful, unfair, fraudulent, and

1 deceptive business practices, Defendants have received, and continue to receive,
2 income and profits that they would not have earned but for their unlawful, unfair,
3 and deceptive conduct and the Artists are entitled to disgorgement of such funds
4 wrongfully obtained.

5 39. By reason of Defendants' acts of unfair competition as alleged herein,
6 the Artists have suffered and will continue to suffer substantial damage to their
7 businesses in the form of loss of profits, and a dilution in the value of their rights
8 and reputations, all in amounts which are not yet ascertainable but which are
9 estimated to be not less than the jurisdictional minimum of this court.

10 40. The Artists are also entitled under the provisions of Business and
11 Professions Code §17208 to an injunction prohibiting Defendants, and each of them,
12 from engaging in any act, directly or indirectly, which constitute unlawful, unfair,
13 and deceptive business practices.

14 41. In committing these acts of unfair competition, Defendants acted
15 willfully, wantonly, and recklessly; and with conscious disregard for the Artists'
16 rights. The Artists are therefore entitled to punitive damages in addition to actual
17 and statutory damages as allowed by law.

18 42. Defendants' conduct, if allowed to proceed and continue and/or let
19 stand, will cause irreparable damage to the Artists' valuable business relationships
20 and consumer relations and will require the Artists to undertake efforts to mitigate
21 damage to such relations, all to the Artists' detriment. Further, such mitigation costs
22 will require substantial time, effort, and expenditures by the Artists, all to the
23 Artists' detriment.

24 **Third Claim for Relief for Unfair Competition under**
25 **California Common Law**
26 **(By BATES and NEKST, against all Defendants)**

27 43. Plaintiffs incorporate by this reference all paragraphs of this Complaint
28 as if set forth in full in this cause of action.

1 44. The above-described conduct of Defendants constitutes unfair
2 competition under the common law of the State of California.

3 45. As a result of Defendants' actions, the Artists have been damaged in an
4 amount to be proven at trial.

5 **Fourth Claim for Relief for Violation of California Civil Code § 3344**

6 **(By NEKST AND BATES, against all Defendants)**

7 46. Plaintiff incorporates by this reference all paragraphs of this Complaint
8 as if set forth in full in this cause of action.

9 47. California Civil Code § 3344(a) provides:

10 “Any person who knowingly uses another’s name, voice, signature,
11 photograph, or likeness, in any manner on or in products, merchandise,
12 or goods, or for purposes of advertising or selling, or soliciting
13 purchases of products, merchandise, goods or services, without such
14 person’s prior consent, or, in the case of a minor, the prior consent of
15 his parent or legal guardian, shall be liable for any damages sustained
16 by the person or persons injured as a result thereof. In addition, in any
17 action brought under this section, the person who violated the section
18 shall be liable to the injured party or parties in an amount equal to the
19 greater of seven hundred fifty dollars (\$750) or the actual damages
20 suffered by him or her as a result of the unauthorized use, and any
21 profits from the unauthorized use that are attributable to the use and are
22 not taken into account in computing the actual damages. In establishing
23 such profits, the injured party or parties are required to prove his or her
24 deductible expenses. Punitive damages may also be awarded to the
25 injured party or parties. The prevailing party in any action under this
26 section shall also be entitled to attorney’s fees and costs.” (emphasis
27 added)

28 48. Defendants’ conduct alleged above, constitutes a violation of Section
3344 of the California Civil Code, because Defendants knowingly used Plaintiffs’
respective names and/or signatures for commercial purposes without authorization.

 49. Each such use was unequivocally and directly for purposes of
advertising or selling, or soliciting purchases of products, merchandise, goods, or
services by Defendants, such that prior consent was required.

 50. As a direct and proximate result of Defendants’ wrongful acts,
Plaintiffs have been damaged in an amount that is not yet fully ascertainable, but
which exceeds the jurisdictional minimum of this court.

51. Plaintiffs are informed and believes and based thereon alleges that Defendants, in committing the above-described actions, acted willfully, maliciously, and oppressively, and with full knowledge of the adverse effects of their actions on Plaintiffs, and with willful and deliberate disregard for the consequences to Plaintiffs. By reason thereof, Plaintiffs is entitled to recover statutory, punitive, and exemplary damages from Defendants, in an amount to be determined at the time of trial.

52. Plaintiffs seek actual and statutory damages under this section, as well as their costs and attorneys' fees. They also seeks a preliminary and permanent injunction to prohibit Defendants from any further use of his name or persona for Defendants' advantage.

Fifth Claim for Relief for Misappropriation of Likeness under California Common Law

(By both Plaintiffs, against all Defendants)

53. Plaintiffs incorporate by this reference all paragraphs of this Complaint as if set forth in full in this cause of action.

54. Defendants' conduct alleged above, constitutes a violation of the Artists' common law rights of publicity and privacy, because Defendants knowingly used the Artists' names and signatures for their advantage and without authorization.

55. The Artists are informed and believe and based thereon allege that Defendants in committing the above-described actions, acted willfully, maliciously, and oppressively, and with full knowledge of the adverse effects of their actions on the Artists, and with willful and deliberate disregard for the consequences to the Artists. By reason thereof, the Artists are entitled to recover punitive and exemplary damages from Defendants in an amount to be determined at the time of trial.

56. The Artists also seek a preliminary and permanent injunction to prohibit Defendants from any further use of the Artists' names and signatures for Defendants' advantage. They also seek actual damages.

Sixth Claim for Copyright Infringement
(By BATES, against all Defendants)

57. Plaintiff incorporates herein by this reference all preceding paragraphs as if set forth in full in this cause of action.



58. The BATES work, as shown in the image above, is an original work of authorship and constitutes copyrightable subject matter under the laws of the United States. The image was registered with the United States Copyright Office effective September 12, 2023 (United States Copyright Registration Number VA-000-2363788). Plaintiff Ronn is the sole owner of all rights, title, and interest in and to the copyright.

59. Subsequent to the creation of the artwork and (on information and belief) with full knowledge that they required the permission of the copyright holder, Defendants infringed the copyright by copying and reproducing the artwork as described above in order to enhance their brand image, and attract customers, and trade off of Plaintiff's hard-earned goodwill. All of Defendants' acts were performed without the permission, license or consent of Plaintiff.

60. By reason of Defendants' acts of copyright infringement as alleged herein, Plaintiff has suffered and will continue to suffer substantial damage to Plaintiff's businesses in the form of diversion of trade, loss of profits, and a diminishment in the value of Plaintiff's works, rights, and reputation, in part as

1 described above, all in amounts that are not yet ascertainable but not less than the
2 jurisdictional minimum of this court. As a result of Defendants' misconduct as
3 alleged herein, Plaintiff's reputation and career has been irreparably tarnished,
4 diminishing the value of Plaintiff's works, and decreasing revenue derived from his
5 work.

6 61. By reason of its infringement of Plaintiff's copyright as alleged herein,
7 Defendants are liable to Plaintiff for the actual damages incurred by Plaintiff as a
8 result of the infringement, and for any of Defendants' profits directly or indirectly
9 attributable to such infringement.

10 62. Defendants' copying was willful, as alleged above.

11 **Seventh Claim for Relief for Violation of 17 U.S.C. § 1202**

12 **(By BATES and NEKST, against all Defendants)**

13 63. Plaintiff incorporates by this reference all prior paragraphs as if set
14 forth in full in this cause of action.

15 64. Section 1202(a) of the Digital Millennium Copyright Act ("DMCA")
16 provides that "no person shall knowingly and with the intent to induce, enable,
17 facilitate, or conceal infringement- (1) provide copyright management information
18 that is false, or (2) distribute or import for distribution copyright management
19 information that is false." 17 U.S.C. § 1202(a). The GUESS apparel pictured above
20 contains copyright management information protected under 17 U.S.C. Section
21 1202(b), including Plaintiff's signature. And 17 U.S.C. § 1202(b), forbids the
22 intentional removal or alteration of any copyright management information
23 ("CMI").

24 65. As alleged above, Defendants provided false copyright management
25 information (namely, Plaintiff's tags) with respect to the subject apparel. Defendants
26 did so in order to facilitate and enable the infringement alleged above.

27 66. Defendants intentionally provided false copyright management
28 information, as alleged above. In doing so, they removed Plaintiffs' work from the

1 context in which it was created, and removed and altered Plaintiffs' CMI in doing
2 so.

3 67. Defendants' removal of Plaintiffs' CMI, falsification of their CMI, and
4 distribution of production bearing false CMI, was done without Plaintiff's
5 knowledge or authorization. Defendants' conduct violate 17 U.S.C. Section 1202.

6 68. On information and belief, Defendants' falsification of copyright
7 management information was done intentionally, knowingly, and with the intent to
8 facilitate and enable Defendants' copyright infringement alleged above.

9 69. Plaintiff has sustained significant injury and monetary damages as a
10 result of Defendants' wrongful acts as alleged above. Plaintiff is at present unable to
11 ascertain the full extent of the monetary damages he has suffered by reason of said
12 acts. In order to determine the full extent of such damages, including such profits of
13 Defendant as may be recoverable under 17 U.S.C. Section 1203, Plaintiff requires
14 an accounting from each Defendant of all monies generated from their wrongful
15 falsification, alteration, and removal of Plaintiff's copyright management
16 information. In the alternative, Plaintiff elects to recover statutory damages pursuant
17 to 17 U.S.C. Section 1203(c)(3) in a sum of not more than \$25,000 from each
18 Defendant for each violation of 17 U.S.C. 1202.

19 70. Upon information and belief, Defendant distributed the Infringing
20 Product with the knowledge that doing so would induce, enable, facilitate, or
21 conceal an infringement of Plaintiffs' rights under the Copyright Act, 17 U.S.C. §
22 101 *et seq.*

23 71. Defendant engaged in these activities without the consent or
24 authorization of Plaintiff.

25 72. Plaintiff has been injured and will continue to suffer injury as a result
26 of Defendants' violations of 17 U.S.C. § 1202 and is entitled to injunctive relief,
27 impoundment of the infringing products, statutory and monetary damages, costs and
28 attorneys' fees according to proof.

PRAYER

WHEREFORE, Plaintiffs pray judgment against Defendants as follows:

1. That Plaintiffs are awarded all damages, including future damages, that Plaintiffs have sustained, or will sustain, due to the acts complained of herein, subject to proof at trial;
2. That Plaintiffs are awarded their costs and expenses in this action;
3. That Plaintiffs are awarded their attorneys' fees;
4. For an order permanently enjoining Defendants and their employees, agents, servants, attorneys, representatives, successors, and assigns, and all persons in active concert or participation with any of them, from engaging in the misconduct referenced herein;
5. That Defendants be ordered to immediately recall and remove all subject advertisements from all remaining locations, physical or digital;
6. That Defendants be ordered to file with this Court and serve upon Plaintiffs' counsel within thirty (30) days after services of the judgment demanded herein, a written report submitted under oath setting forth in detail the manner in which they have complied with the judgment;
7. For disgorgement of all proceeds, and restitution of the monies wrongfully received by Defendants as the result of their wrongful conduct;
7. That Plaintiffs be awarded statutory, actual, and exemplary damages, including without limitation as available under 17 U.S.C. § 1203, Cal.Civ.Code § 3334, and the Lanham Act.
8. That Plaintiffs are awarded punitive damages in an amount sufficient to deter Defendants, and each of them, from their wrongful conduct; and
9. For further relief, as the Court may deem appropriate.

Respectfully submitted,

Dated: January 12, 2024

By: /s/ Jeffrey S Gluck
Jeffrey S. Gluck, Esq.
GLUCK LAW FIRM
Attorneys for Plaintiffs

Dated: January 12, 2024

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs, Esq.
Frank R. Trechsel, Esq.
DONIGER / BURROUGHS
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial on their claims on all issues triable by a jury.

Respectfully submitted,

Dated: January 12, 2024

By: /s/ Jeffrey S Gluck
Jeffrey S. Gluck, Esq.
GLUCK LAW FIRM
Attorneys for Plaintiffs

Dated: January 12, 2024

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs, Esq.
Frank R. Trechsel, Esq.
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